



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/687,900 | 10/17/2003 | Darren Saravis | 70288.020700 | 1955 |
| 33717 | 7590 | 12/14/2004 | EXAMINER | |
| GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404 | | | | TRAN, HANH VAN |
| ART UNIT | | PAPER NUMBER | | |
| 3637 | | | | |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/687,900 | SARAVIS |
| | Examiner | Art Unit |
| | Hanh V. Tran | 3637 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 October 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/22/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,888,114 to Slocum et al in view of USP 6,446,408 to Gordin et al.

Slocum et al discloses a snap together modular storage system comprising all the elements recited in the above listed claims including (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches and catches with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a

corner, a panel cover with at least one of a latch and catch supported one a front side of the panel cover, such as shown in Figs 1-16, the support edge of each adjacent corner buttresses contact each other and form a larger corner support, figs 54-75, means for attaching the panel cover to one of said panels by a slide-on mounting catch, or a snap-on mounting catch, such as shown in Figs 1-16, or a through-mount attachment guide with a fastener, such as shown in Fig 59.

The differences being that Slocum fails to disclose means for aligning at least one latch or catch with a corresponding latch or catch, said means being either a latch alignment marker formed on at least one latch, a catch alignment marker formed on at least one catch, or a latch alignment marker formed on at least one latch and a catch alignment marker formed on at least one catch.

Gordin et al teaches the idea of providing markings 104A and 104B to pole sections, such that when aligned with one another, pins 42 would be align with openings 40 in latch catches 36 for the purpose of assisting an user with alignment in order to facilitate connecting one member to another. Therefore, it would have been obvious to modify the structure of Slocum et al by providing means for aligning at least one latch or catch with a corresponding latch or catch, said means being either a latch alignment marker formed on at least one latch, a catch alignment marker formed on at least one catch, or a latch alignment marker formed on at least one latch and a catch alignment marker formed on at least one catch for the purpose of assisting an user with alignment in order to facilitate connecting one member to another, as taught by Gordin et al, since both teach alternate conventional catch and latch structure for connecting two members together, thereby providing structure as claimed.

In regard to the “whereby” clause, it has been held that the functional “whereby” statement does not define any structure and accordingly cannot serve to distinguish. *In re Mason*, 114 USPQ 127, 22 CCPA 937 (1957). In regard to the method claim 7, Slocum et al, as modified by Gordin et al, meets all the structural limitations recited therein, thus is inherently capable of performing said method of assembly steps.

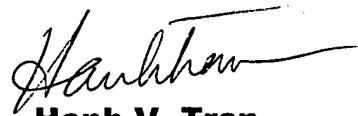
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunts shows structures similar to various elements of applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
December 12, 2004



Hanh V. Tran
Art Unit 3637